

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, MARCH 3, 2014**

A Regular Meeting of the Deltona City Commission was held on Monday, March 3, 2014 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

**2. ROLL CALL:**

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Webster Barnaby	Absent (Excused)
Commissioner	Zenaida Denizac	Present
Commissioner	Fred Lowry	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
City Manager	Dave Denny	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Public Works/Deltona Water Director Gerald Chancellor; Planning and Development Services Director Chris Bowley; Economic Development Manager Jerry Mayes; Deputy City Manager Dale Baker; and Acting Fire Chief Robert Rogers.

**3. INVOCATION AND PLEDGE TO THE FLAG:**

Invocation Presented by Vice Mayor Herzberg.

The National Anthem was sung by the Timbercrest Tiger Choir.

**4. APPROVAL OF MINUTES & AGENDA:**

**A. Minutes:**

**1. Approval of Minutes – Regular City Commission Meeting of February 17, 2014.**

**Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve the minutes of the Regular City Commission Meeting of February 17, 2014.**

**Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

**B. Additions or Deletions to Agenda:**

**5. PRESENTATIONS/AWARDS/REPORTS:**

**A. Presentation – Super Star Student of the Month Certificates for February 2014.**

The Commission presented Super Star Students of the Month certificates for February, 2014.

**B. Presentation – Halifax Health presented by Rafael Ramirez, Market Development Specialist.**

Mr. Rafael Ramirez, Halifax Health Market Development Specialist, gave a brief PowerPoint presentation on Halifax Health's commitment to the communities in the West side of the county, becoming a partner to its citizens, sponsoring events in Deltona, negotiating on three (3) tracks of land in the Deltona area, and provided a general overview of Halifax Health's concept for these properties.

Commissioner Denizac thanked Mr. Ramirez for attending the meeting, that since 2005 she has been advocating for a hospital in Deltona, the residents of Deltona on the East side definitely having health needs, the economic development that comes with a hospital is a very positive thing for Deltona's economy, the clinic at Howland Blvd. and S.R. 415 could have the potential to partner with Pine Ridge High School, and maybe the two (2) colleges in Deltona (Bethune Cookman and Daytona State College) to have a Health Academy in schools and the colleges, she sees Halifax Health coming to Deltona as a very positive thing for the City, and she welcomed Halifax Health to Deltona.

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

a) Larry DeMatteo, 2501 Barry Drive, commended Mr. Chancellor for his quick response to resident's calls and emails concerning Public Works issues, he discussed the bus benches that were at the front of City Hall and he asked why they were removed and when the benches would be put back.

Mayor Masiarczyk replied that the benches were removed for safety reasons due to the bench brackets rusting away, and once parts were provided the benches would be put back in.

b) Daniel Dudley, 1089 Pearl Tree Road, thanked the Commission for their careful consideration on the project on the corner of Saxon and Sterling Blvds. which involves Florida Fish Hospital, the community welcomes the project with open arms, and he asked the Commission to be just as cautious on the adjacent corners proposed project, and how to apply for the advertised openings on the Planning and Zoning Board.

Mayor Masiarczyk stated that the issue Mr. Dudley is referring to is coming before the Commission at an upcoming meeting, the Commission will be deciding on the issue as a quasi-judicial board, that comments on the project can only be taken at the actual hearing, and he instructed Mr. Dudley to provide staff with his contact information in order to provide him a board application.

c) Harvey Oretsky, 1671 Emerald Green Court, started to speak on the proposed project on the corner of Sterling and Saxon Blvds, and he was informed that all comments concerning the project can only be taken during the upcoming Commission hearing.

d) David Stautihar, 1201 Abigail Drive, stated that he is a disabled Vietnam Veteran with several injuries and illnesses, he is a member of the Our Lady of the Lakes church, he finds it very unprofessional and rude not to have his phone calls returned, he approached Commissioner Schleicher about the empty lot on the side of his house and the vegetation coming over into his property, and he asked if a fire permit was needed for a fire pit in his back yard.

Mayor Masiarczyk asked staff to get Mr. Stautihar's contact information so someone can get back to him, and he suggested the Veterans Association may also provide assistance.

Commissioner Denizac asked City Attorney Becky Vose to explain why the Commission could not address the concerns of Mr. Dudley and Mr. Oretski concerning the proposed project at the corner of Sterling and Saxon Blvds, and Mrs. Vose explained the quasi-judicial hearing procedures and Florida's case laws concerning any issues that come before the Commission at a quasi-judicial hearing.

**7. CONSENT AGENDA:** None.

**8. ORDINANCES AND PUBLIC HEARINGS:**

**A. Ordinance No. 07-2014, amending the qualifying period; providing for the petitioning process; providing for the filling of required items; and providing for write-in candidates, at first reading and to schedule second and final reading.**

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

**Motion by Commissioner Schleicher, seconded by Commissioner Lowry to approve Ordinance No. 07-2014, amending the qualifying period; providing for the petitioning process; providing for the filling of required items; and providing for write-in candidates, at second and final reading.**

City Attorney Becky Vose read the title of Ordinance No. 07-2014.

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, RELATING TO CITY ELECTIONS; AMENDING THE QUALIFYING PERIOD; PROVIDING FOR THE PETITIONING PROCESS; PROVIDING FOR THE FILING OF REQUIRED ITEMS; PROVIDING FOR WRITE-IN CANDIDATES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

Ordinance No. 07-2014 was adopted at 7:22 p.m.

**9. OLD BUSINESS:** None.

**10. NEW BUSINESS:**

**A. Request for approval of Fiscal Year 2013/14 Community Development Block Grant (CDBG) and State Housing Initiatives Partnership (SHIP) Budget Amendment.**

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

**Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to approve the proposed amendments to the CDBG and SHIP grant funds through the re-allocation of CDBG funds totaling \$119,689.00 and SHIP funds totaling \$75,331.00 from FY 2012-13 to FY 2013-14.**

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2 **Motion carried unanimously with members voting as follows: Commissioner Denizac, For;**  
3 **Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice**  
4 **Mayor Herzberg, For; and Mayor Masiarczyk, For.**

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6 **B. Request for approval to execute Interlocal Agreement to Install Reclaimed Water**  
7 **Systems Interconnects.**  
8

9 Commissioner Denizac stated that she read the agreement between all of the entities, she has asked a  
10 lot of questions, is satisfied with what is being presented to the Commission for approval, and she  
11 asked staff to summarize for the public the need for the interlocal agreement since it is close to a  
12 million dollar project, the reclaimed water system benefits to the residents, and when the City would  
13 be able to have a surplus.  
14

15 Public Works Director Gerald Chancellor discussed Deltona's portion of the system, what the  
16 system will accomplish, rainfall patterns in the area, the timeline of the project, ways the system  
17 will benefit residents in all West Volusia County cities participating in the interlocal agreement and  
18 to Volusia County, and that due to permitting and project timelines it will be approximately 3 to 4  
19 years before the City will have a surplus of reclaimed water.  
20

21 Vice Mayor Herzberg stated that the Saint Johns River Water Management District (SJRWMD) was  
22 contributing 40% of the project costs, and she asked where the location would be for the stored  
23 reclaimed water, and Mr. Chancellor replied that the reclaimed water storage site would be at the  
24 new Waste Water Treatment plant towards the South end of the 122 acre tract, and he also discussed  
25 future plans for storm water and reclaimed water projects.  
26

27 Commissioner Denizac stated that the 40% being funded by the SJRWMD was not just for Deltona's  
28 portion, but for the cost of the entire project.  
29

30 **Motion by Commissioner Denizac, seconded by Vice Mayor Herzberg to approve and execute**  
31 **the Interlocal Agreement to Install Reclaimed Water Systems Interconnects with the City of**  
32 **DeLand, City of Orange City and Volusia County at a cost of \$990,507.00.**  
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34 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.  
35

36 **Motion carried unanimously with members voting as follows: Commissioner Denizac, For;**  
37 **Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice**  
38 **Mayor Herzberg, For; and Mayor Masiarczyk, For.**  
39

40 **C. Request for approval to purchase Opticom GPS System Vehicle Equipment.**  
41

42 Commissioner Nabicht stated that other communities in the county were using a similar type system  
43 and he asked if the Opticom GPS system would be compatible, and Acting Fire Chief Rogers replied  
44 "yes" that the Opticom system is a standardized, nationally used system.  
45

46 The Commission and staff discussed the compatibility of the system across the county, various uses  
47 of the system, the request being a little over what was budgeted, but other budgeted projects were  
48 below what was budgeted, and the Opticom system was approved in the budget process.

**Motion by Commissioner Nabicht, seconded by Commissioner Lowry to approve the award of Opticom GPS System vehicle equipment to Transportation Control Systems, an authorized dealer for Volusia County at a total cost not to exceed \$73,096.00.**

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

**Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

**11. CITY ATTORNEY COMMENTS:** None.

**12. ACTING CITY MANAGER COMMENTS:**

**A. Lobbyist Update:**

Mr. Denny stated that it was a quiet week in Tallahassee and the official 2014 Legislative Session starts on Tuesday, March 4, 2014.

**13. CITY COMMISSION COMMENTS:**

a) Commissioner Denizac invited the Commission to attend her District 1 Town Hall meeting on Thursday, March 6, 2014, she stated that she is very excited about the positive things that are happening in economic development in Deltona, to include the streamlining of the permitting process, she ask her fellow Commissioners to support Senator Hukill's sponsorship of a Bill to get rid of the sales tax for commercial rentals because she feels it is something that the Commission should look into, and that it might help to expand business development in Deltona.

The Commission and staff discussed the current commercial tax rate being 6.65%, the City Manager providing copies of the House and Senate Bill to the Commission, the proposed Bill suggests it be reduced to 4.65%, the tax being a revenue source for all of the cities in Florida, if it were reduced it would be \$11.4 million annually that municipalities would receive, so it would only be a benefit to the commercial side, and Deltona's Lobbyist is watching the issue for Deltona.

Commissioner Denizac discussed the current health issues at Pine Ridge High School and she asked everyone to keep teachers, staff and students in their prayers.

b) Commissioner Nabicht discussed attending the Transportation Planning Organizations (TPO) retreat, the purpose of the retreat, the TPO's 20 year plan, topics discussed at the retreat, and how the graphic presentation used during the facilitation of the retreat showed the close ties and correlation between economic development and transportation. He also discussed finding a way to start repairing and maintaining Deltona roads, the costs of total replacement compared to repairs, the increased rate in road deterioration as the economy improves, and during the next budget cycle needing to seriously address where road repair and maintenance funding will come from.

c) Commissioner Schleicher stated that she was glad to see Commissioner Lowry up and around again, that she would not be able to attend the upcoming Volusia Council of Governments (VCOG) and

Volusia League of Cities (VLC) joint meeting on Wednesday, and she hoped some of the other Commissioners would attend to hear what was happening, she would be attending Commissioner Denizac's Town Hall meeting, and hoped to see Commissioners in attendance at Friday evenings Shabbat Across America.

d) Commissioner Lowry discussed the Little League season kick off being Saturday, March 8, 2014, he attended Coach Mike Maples appreciation day at Trinity Christian Academy, he thanked the Commission for helping him through his knee surgery, that even though he is running for County Council he is still the District 5 Commissioner in Deltona, and that he was going to finish his term as Commissioner.

Mayor Masiarczyk discussed the number of events coming up on Saturday and he asked Commissioners to coordinate with Pauline in order to attend any of the events.

e) Vice Mayor Herzberg stated that Deltona's Wags N Whiskers Pet Fest was being held at the Keysville Dog Park on Saturday, March 8, 2014, she will be attending the opening of Spirit Elementary's "Blazing the Trail" 5K, the Boys and Girls Club had their banquet on Wednesday in Daytona Beach, Deltona's Harris Saxon Club was the recipient of two (2) awards that evening and for the second year in a row one of the club's members, Shane Smith received the Youth of the Year award. She stated what a terrific job the Harris Saxon club does in helping Deltona's youth, that all of Deltona should be as proud as she is of all that the organization does for Deltona's youth, and she thanked City Manager Dave Denny and Code Enforcement Director Dale Baker for taking care of an animal control incident in her District that has been out of control for many years.

f) Mayor Masiarczyk stated it was good to see Commissioner Lowry up and around after his knee surgery, he asked the City Manager to look into the bus bench issue at City Hall, that the Boys and Girls Club's accomplishments are just unbelievable, the club originally started in Deltona, it is great that the club is still going, and the club's program produces great kids. He stated that he has had numerous calls concerning the road construction on Saxon Blvd. in Orange City, an inspector informed him that the construction area does not conform to current posting of a road under construction, that the area of concern is not in Deltona, and he asked Mr. Denny to inquire with the County to make sure the contractor is following, and is in compliance with road construction striping.

#### **14. ADJOURNMENT:**

There being no further business, the meeting adjourned at 7:52 p.m.

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**John Masiarczyk Sr., Mayor**

**ATTEST:**

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**Mitch Honaker, Deputy City Clerk**